



Federal Communications Commission
Enforcement Bureau
Region Two

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EnforAugust 30, 2023

BY UPS, CERTIFIED MAIL, AND FIRST CLASS MAIL

Thomas Warmouth
Collegedale, Tennessee

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDSCR-23-00035408

The Atlanta Office of the Federal Communications Commission's (Commission's) Enforcement Bureau received a complaint of a Citizen Band (CB) radio station causing harmful interference to residential electronic devices. On August 9, 2023, Agents from the Atlanta Office confirmed by direction finding techniques that radio signals on frequency 27.225 MHz were emanating from your residence in Collegedale, Tennessee. Agents confirmed, through investigation, that your radio station was operating in a manner that is inconsistent with Rules that are applicable to CB radio stations; therefore, your radio station operated without authorization.

Radio stations operating on certain frequencies, including the CB radio band (26.965 to 27.405 MHz), must be licensed by the Commission pursuant to section 301 of the Communications Act of 1934, as amended (Act).¹ Section 95.305 of the Commission's rules authorizes eligible persons to operate part 95 Personal Radio Service stations without individual licenses. A person's authorization to operate a CB radio station without an individual license is voided if that person violates any of the operating rules.² At the time of inspection, Agents found the station at your home operating with a non-CB radio transmitter on the CB radio band and at a power level that exceeded the levels permitted, in violation of sections 95.935 and 95.967 of the Commission's rules and section 301 of the Communications Act.³

You are hereby warned that operation of non-approved radio transmitting equipment as well as operating without a valid radio station authorization constitutes a violation of the Federal laws and rules cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* seizure of the offending radio equipment, and criminal sanctions including imprisonment.⁴

¹ 47 U.S.C. § 301.

² 47 CFR § 95.905

³ *Id.* §§ 95.935, 95.967; 47 U.S.C. § 301.

⁴ *See* 47 U.S.C. §§ 401, 501, 503, and 510.

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY AND MUST NOT RESUME.

You have ten (10) days from the date of this Notice to respond with any evidence that you have authority to operate granted by the Commission. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974,⁵ we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with the Act and the Commission's rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Dedrick Roybiskie
Regional Director
Region Two
Enforcement Bureau
Federal Communications Commission

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet"

⁵ 5 U.S.C. § 552a(e)(3).